



**REISSUE APPLICATION
SUPPLEMENTAL REISSUE DECLARATION BY INVENTOR**

I, Steven B. Dunn, hereby declare that:

- (1) My residence, post office address and citizenship are as stated below next to my name;
- (2) I verily believe that I am an original, first and joint inventor (with Tor H. Petterson, now deceased, whose legal representative is now Grace C. Petterson, M.D., having an address of 1294 West 6th Street, Suite 102, San Pedro, CA 90731) of the subject matter that is claimed in letters patent number 6,038,784 which was granted on March 21, 2000 (hereinafter "the patent" or "the original patent") and in the foregoing specification and for which invention I solicit a reissue patent;

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

- (3) I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims and the Amendment that is being filed on even date herewith;
- (4) I acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. §1.56;

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF
ORIGINAL PATENT UNDER 37 C.F.R. §1.175**

- (5) I hereby state that I believe the original patent to be partly inoperative because we claimed less than we were entitled to claim.
- (6) I further state that since my execution of the prior declaration submitted in this application I have been made aware of further errors in the original patent. These newly appreciated errors include:
 - (a) Several instances in the specification where the --ring support members-- were mistakenly described as "nipple support members."
 - (b) A failure in the original specification to provide literal antecedence for the concept of a predetermined plane of rotation in which the pegs 18 are constrained to move.
 - (c) Discrepancies on the spelling of the word "disk."
 - (d) Possible unpatentability of claims 1, 3 and 8 based upon the prior art that was made available to Applicant by the Protestor.
 - (e) Other minor formal issues in the specification and Drawings.
 - (f) Section 112, second paragraph issues that were raised by the Examiner with regard to claims 22-31, 37, 38 and 48.

RECEIVED
JUL 14 2004
TECHNOLOGY CENTER R3700

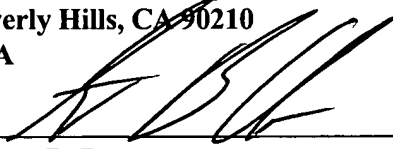
DOCKET NO.: MBI-1064

LITIGATED REISSUE

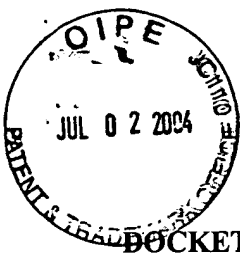
(7) The foregoing issues were addressed in the amendments filed previously in this reissue patent application and on even date herewith. I hereby state that every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant

(8) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Name: Steven B. Dunn
Address: 2069 Coldwater Canyon
Beverly Hills, CA 90210
Citizenship: USA

Signature: 
Steven B. Dunn

Date: June 14th, 2004



DOCKET NO.: MBI-1064

LITIGATED REISSUE

**REISSUE APPLICATION
SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY BY LEGAL
REPRESENTATIVE OF DECEASED INVENTOR UNDER 35 USC §117 AND 37 CFR 1.42**

I, Grace C. Petterson, M.D., hereby declare that:

- (1) My residence, post office address and citizenship are as stated below next to my name;
- (2)(a) I am the legal representative of Mr. Tor H. Petterson (hereinafter "Mr. Petterson"), who is now deceased. Mr. Petterson was an inventor in letters patent number 6,038,784, granted on March 21, 2000 (hereinafter "the patent" or "the original patent").
- (b) I verily believe that Mr. Petterson was an original, first and joint inventor of the subject matter that is claimed in the original patent (hereinafter "the patent" or "the original patent") (with his co-inventor being Mr. Steven B. Dunn, having an address of 2069 Coldwater Canyon Beverly Hills, CA 90210) and in the foregoing specification and for which invention I solicit a reissue patent;

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

- (3) I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims and the Amendment that is being filed on even date herewith;
- (4) I acknowledge the duty to disclose all information known to be material to the patentability of this application in accordance with 37 C.F.R. §1.56;

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF
ORIGINAL PATENT UNDER 37 C.F.R. §1.175**

- (5) I hereby state that I believe the original patent to be partly inoperative because we claimed less than we were entitled to claim.
- (6) I further state that since my execution of the prior declaration submitted in this application I have been made aware of further errors in the original patent. These newly appreciated errors include:
- (a) Several instances in the specification where the --ring support members-- were mistakenly described as "nipple support members."
 - (b) A failure in the original specification to provide literal antecedence for the concept of a predetermined plane of rotation in which the pegs 18 are constrained to move.
 - (c) Discrepancies on the spelling of the word "disk."
 - (d) Possible unpatentability of claims 1, 3 and 8 based upon the prior art that was made

DOCKET NO.: MBI-1064

LITIGATED REISSUE

available to Applicant by the Protestor.

(e) Other minor formal issues in the specification and Drawings.


(f) Section 112, second paragraph issues that were raised by the Examiner with regard to claims 22-31, 37, 38 and 48.

(7) The foregoing issues were addressed in the amendments filed previously in this reissue patent application and on even date herewith. I hereby state that every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the applicant

(8) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Name: Tor H. Petterson (Deceased)
Address: 96 Yacht Harbor Drive
Rancho Palos Verdes, CA 90275
Citizenship: USA

Address: Grace C. Petterson, M.D.
Legal Representative
1294 West 6th Street
Suite 102
San Pedro, CA 90731
Citizenship: USA

Signature: 
Grace C. Petterson, M.D.
Legal Representative

Date: 6-18-04